EXHIBIT B

Technical Review Committee Comments

Narrative Responses

FLAGLER COUNTY

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: SEPTEMBER 17, 2014

APP #2962 - SDP IN PUD SALAMANDER

APPLICANT: SALAMANDER HOSPITALITY, LLC

OWNER: LRA HAMMOCK BEACH OCEAN LLC AND LRA NOHI, LLC

Distribution date: Friday, September 12, 2014

Project #: 2014080029

Application #: 2962

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. ***Any questions regarding any of the comments should be addressed to the department providing the comment.***

Flagler County Building Department 386-313-4002

Flagler County Planning Department 386-313-4009

Flagler County Development Engineering 386-313-4009

Flagler County General Services (Utilities) 386-313-4184

County Attorney 386-313-4005

Flagler County Fire Services 386-313-4258

E-911 GIS Specialist 386-313-4274

Environmental Health Department 386-437-7358

Flagler County School Board 386-586-2386

REVIEWING DEPARTMENT: BUILDING DEPARTMENT *No comments.*

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

Reviewed by Adam Mengel

1. Criteria at Sec. 3.04.03., Flagler County Land Development Code (FCLDC), should be reviewed by the applicant to ensure that all items are addressed in the submittal; cursory review by staff indicates that subparts B.3. and B.6. were not specifically addressed in the submittal.

> *B. 3. A proposed utility service concept plan, including sanitary sewers, storm drainage, potable water supply, and water supplies for fire protection, including a definitive statement regarding the disposal of sewage effluent and stormwater drainage, and showing general location of major water and sewer lines, plant location, lift stations and indicating whether gravity or forced systems are planned. Size of lines, specific locations and detailed calculations are not required at this stage.*

The Site Development Plan has been revised to include the requisite information as shown on the Preliminary Site Utility Plan Sheet C-7. Please also find attached, as Exhibit B-1, the Dunes Community Development District service area maps for Potable Water and Fire Protection, Sanitary Sewer, and Reclaimed Water services to this area of the District.

> *B. 6. A statement with general information regarding provisions for fire protection.*

The Site Development Plan has been revised to include the requisite information as shown on the Site Geometry Plan Sheet C-5.

2. Staff acknowledges the applicant's comment on consistency of the lodge use through the Board of County Commissioners' 2001 approval of the existing lodge and clubhouse building (see note in brackets under "Approved Uses" heading on page 2 of Tab 5, Basis of Design and Development Criteria) and its consistency with the Ocean Hammock Golf Course Plat and Plat Addendum; however, the applicant is requested to elaborate further as to how the proposed hotel is consistent with Section 6 of the Plat Addendum for the Ocean Hammock Golf Course (OR 786, Page 824, Public Records of Flagler County, Florida - PRFCF), and as additionally quoted on page 3 of Tab 5.

Interpretation of the Ocean Hammock Golf Course Plat and the restrictions contained in the associated Plat Addendum requires consideration of the origination and derivation of the restrictions. The subject plat restrictions were set forth in the Hammock Dunes Development of Regional Impact Development Order, specifically Section 14.5, which states:

> *Land identified for golf course usage on the Master Development Plan map (ADA, p. 12.5) shall be deed and plat restricted to ensure that the usage of this land is limited to golf courses (including appropriate associated golf club facilities), open space, parks or, if approved by the County Commission, other appropriate recreational usages.*

The Flagler County Board of County Commissioners (BCC), in negotiating the terms of the Hammock Dunes Development of Regional Impact (HDDRI), exercised discretion and foresight requiring this

protection (restriction related to golf courses) as part of the development order. Review and reflection of the restriction language reveals that the BCC did not impose specific criteria for golf course areas, such as number of holes, minimum amount of area, location, size or height or type of support facilities (clubhouse, turf care, comfort stations), nor did they limit the types of uses incorporated into the clubhouse site and support facilities, and further, the BCC did not require that the proposed golf courses be required elements of the development plan.

The intent of the language was prevention for future conversion of playable areas of developed golf courses to other uses once, and after, the golf courses were developed and surrounding land areas developed and sold to third parties (not the developer or golf course owner). The BCC desired to prevent development of golf courses and associated developer sale of adjacent residential real estate, followed by conversion of the golf course in the future into other uses. This scenario has occurred in other locations around the state and country, leaving residential lot owners who purchased property and paid premiums for the land due to the nature of the contiguous property, a maintained green space functioning as a golf course, with change in the use from golf to multifamily or single family residential or commercial uses. The restriction requires the BCC's purview regarding changes in use of golf course playable areas as a means to protect adjacent property owners. The restriction does not prohibit change in use, but rather, requires the BCC's approval to allow it. The Application for the New Lodge does not propose a change in use for the Lodge site; there is not a request for conversion of use.

The HDDRI DO, in addition to the language of the development order, also established the general intent of the development plan by incorporating a Master Development Plan into the development order. The Master Development Plan graphically depicts areas within the DRI limits and illustrates general uses allowed for each. Please refer the Master Development Plan, as it depicts the area of the Lodge and designates the use as "C", which is described as golf, beach, and tennis club, not as "GC", which is golf course playable area or open space. This designation reflects the intent, flexibility, and provision for this area to be used for resort uses, and not solely related to golf. While these facts are supportive of the current and proposed uses at Lodge site, the Lodge site is within the Ocean Hammock Golf Course plat, and the Application for the New Lodge reflects continuation of the current uses previously approved by the BCC.

While the Lodge area is included in the plat of the Ocean Hammock Golf Course, the BCC, when they considered the Lodge site development plan in 2001, did not err and overlook the plat restriction, but they correctly understood and interpreted the HDDRI DO and master plan, the intent of the restriction, and approved a mixed use resort and club plan (e.g. Lodge), which included the following uses: hotel rooms, conference facilities, restaurant, bar, fitness, recreation, pool and spa, retail, office, parking, as well as golf operations components (pro shop, locker rooms, cart storage, etc.). The BCC also appropriately considered the location of the Lodge in the context of adjacent land and uses, being situated along 16th Road to the south, the mid-rise resort condominium development area known as Northshore Plat Five (also commonly referred to as Hammock Beach) on the north and west, and the Atlantic Ocean to the east, which led to the BCC's consideration and approval of

the characteristics of the Lodge plan, having multiple buildings, with peak building hip roof height of 76 feet, and accommodating ratio of impervious to pervious area.

It should be noted that the Ocean Hammock Golf Course plat includes approximately 192 acres of area. Comparatively, the Hammock Dunes Golf Course consists of approximately 132 acres of area. Most golf courses, whether private or public, make up an area of approximately 120 - 150 acres for an 18-hole regulation golf course. Therefore, the Lodge site, which is less than 8 acres, does not reduce or diminish the healthy size of the Ocean Course relative to most courses, and even peer private club and Resort courses. As reflected in the Application, the New Lodge plan does not materially change the nature of the existing Lodge site, as the amount of impervious area is minimally increased, but the proposed landscaping will considerably enhance the site.

If there is any question whether the proposed New Lodge facilities are related to golf and in support of the promotion of Hammock Beach golf, one only need refer to the branding prevalent in the marketplace. It is clear that Hammock Beach is a golf, beach, and tennis club and resort, it's incorporation into Salamander's Grand Golf Resorts of Florida collection is tangible evidence (www.grandgolfresorts.com) of the purposed and targeted marketing of the world class championship golf at Hammock Beach. The Ocean Course and Conservatory Course are essential amenities that prospective leisure or group guests consider when evaluating Hammock Beach as a destination for the summer vacation, wedding, family reunion, or their corporate meetings and retreats; the golf courses are also key elements of our membership amenities that our property owners consider when evaluating club membership opportunities. These facts further support the consistency of the New Lodge application with the current golf course plat addendum language.

Considering the above, LRA's acknowledgement and affirmation of the plat restriction, and the proposed enhancement of the Resort through development of the New Lodge, reflects consistency with the plat restriction, conformity with the HDDRI DO and subsequent EBOA, and is in keeping with the interpretations, approvals, and actions of the BCC in the past regarding the subject site. Arguably, there is not a better location for the proposed use that would positively influence tourism in Flagler County while respecting adjacent uses and achieving synchronization and compatibility with existing uses and business operations. The New Lodge plan does not require compromise, revision, or revocation of the plat restriction, nor does it require change in the DRI/PUD approved uses for the site. LRA requests the BCC evaluate the merits of the proposed plan, precedent of the BCC's previous decisions regarding this site, and approve the plan thereby allowing continued investment in this Resort and increase in tourism business in Flagler County.

3. County assumes assumption of maintenance obligations for 16th Road landscape maintenance (page 4 of Tab 5) will be addressed in similar manner within public records as 2002 Partial Assignment and Assumption of Obligations (OR 800, Page 1738, PRFCF).

Correct, as part of the conditional acceptance of the obligation, LRA will record an assignment and assumption in the PRFCF.

4. Building height is ordinarily measured as the mean roof height between the peak and the eaves (see Sec. 3.08.02., definition of "Height of building," FCLDC). The previous Hammock Dunes DRI Development Order designated maximum height of structures within clusters limited by number of stories, without reference to specific height limits in feet above grade (or NGVD). The applicant should provide, under the "Building Height" heading, the height of the existing lodge/clubhouse building, similar to the language -- "...the elevation of the roof of the existing conference room buildings" -- for the expanded conference facilities.

Acknowledged.

The intention of the New Lodge plan is establishment of the maximum elevation of the hip of the roof of the new buildings. LRA has committed not to exceed the elevation of the hip of the roof of the current Lodge, which is at elevation 76 feet NGVD.

The expanded conference facility roof height limitation reflects the maximum height of the hip of the roof of existing conference facility building wings. Similar to the Lodge, LRA commits not to exceed the elevation of the hip of the roof of the current conference wing buildings, which are at approximately elevation 71 feet NGVD.

The Site Development Plan has been revised to more fully describe the self-imposed height limit for the new improvements as shown on the Site Geometry Plan Sheet C-5.

5. Sections on "Building Height" (page 4 of Tab 5), "Setbacks" (page 5 of Tab 5), "Finished Floor Elevation" (page 6 of Tab 5), "Wetland Buffers" (page 6 of Tab 5), "Dune Preservation and Construction Eastward [Seaward] of the Coastal Construction Control Line (CCCL)" (page 6 of Tab 5), "Landscaping" (page 6 of Tab 5), "Signage (page 8 of Tab 5), "Temporary Facilities" (page 8 of Tab 5), "Water Utilities" (page 8 of Tab 5), and "Stormwater Management" (page 8 of Tab 5) should be offered either to be incorporated into the Plat Addendum or, as an alternative as since the Ocean Hammock Golf Course Plat is solely owned and controlled by the applicant -- as a new Planned Unit Development (PUD) Development Agreement to include these setbacks. These items may also be addressed through the Site Plan itself through the inclusion of appropriate data tables referencing each proposed standard.

As agreed to with the TRC, the above information has been incorporated into the Hammock Dunes PUD – New Lodge & Expanded Conference Facilities Site Development Plan set as Sheet C-3 – “Basis of Design and Development Criteria”.

6. The applicant should calculate the assumed traffic generated by the 198-room hotel and ancillary uses included in this request compared to the traffic estimates from full build-out in the Essentially Built-Out Agreement (EBOA) traffic study.

Kimley Horn has been engaged to provide an update to the EBOA Traffic Study, which will be submitted under separate cover to further support the Application. As referenced in the Application Basis of Design, the EBOA and associated traffic study incorporated five hundred sixty one (561) dwelling units as future development which would translate into trips on local roadway segments

and at local intersections. The characteristics of the New Lodge and Expanded Conference Facilities, representing addition of only one hundred seventy eight (178) units and additional conference space, results in a significant reduction in projected trips within the Hammock Dunes DRI PUD area, which has the positive effect of improved levels of service at local roadways and intersections compared to the EBOA Traffic Study findings. Kimley Horn's updated Traffic Study will demonstrate the transportation and traffic related benefits associated with the location, nature, type, and number of improvements proposed with the New Lodge and Expanded Conference Facilities

7. Under the "16th Road" heading (page 10 of Tab 5), will the existing golf course bridge easement be relocated to the proposed bridge location?

Due to the condition of the existing bridge, proposed location of the new bridge, and opportunity to enhance the aesthetics of this improvement, LRA proposes to demolish the current bridge and construct a new bridge at the proposed new location. LRA would like to discuss the design characteristics of the new bridge with Flagler County and integrate preferential elements.

8. The applicant should, as part of the discussion under "Parking" (pages 10 and 11 of Tab 5), discuss any assumptions on the impact from internal trip capture in reducing external trips and associated required minimum off-street parking.

There are several factors that can positively influence vehicular trip generation, parking demand, and associated impacts, as explained below:

<u>Mixed and Multiple Use Destination Resort</u>. Hammock Beach is a destination resort, providing multiple recreational, dining, and lifestyle activities to members and guests. Hammock Beach's design allows access to these amenities through pedestrian pathways throughout the resort, making it possible for members and guests to enjoy their stay without having to leave the resort.

<u>Resort Transportation Services</u>. Hammock Beach also provides access to amenities which are not located at the core resort, such as the Conservatory and Yacht Harbor Village, which offer water oriented activities, golf, tennis, lodging, fitness, pool and spa facilities, among other activities. Hammock Beach is pleased to provide resort transportation to our members and guests for enjoyment of the amenities located off site. Hammock Beach has multiple owned and operated multi-passenger vehicles to provide this luxury service.

<u>Valet Services</u>. Hammock Beach currently offers valet parking for members and guests. While this provides a luxury service, it also provides efficiency in vehicular parking space utilization and reduces the frequency of the guest's utilization of their vehicle during their stay. The New Lodge plan reflects a purposed operation related to parking, creating parking spaces solely for valet service, and proposing access control for the Lodge parking lots that require resort issued parking privileges. By requiring guests use valet services offered at the Lodge and controlling access to parking, members and guest enjoy a luxury experience and the frequency of vehicle use is reduced. Furthermore, because valet sections of the parking areas employ different criteria, the amount of

area required for the parking space and vehicular circulation can be reduced, lowering the amount of area consumed by parking.

Nature of the Resort Residential Units and Their Use. As discussed in the Basis of Design, since Hammock Beach is a residential oriented resort, the parking spaces supplied for the hotel and condominium units also serve as the parking for the amenity use. The large majority of the amenity utilization originates from the members and guests staying in the hotel rooms and condominium units located at the Resort core. However, in addition to the one thousand one hundred and eight (1,108) parking spaces afforded for the hotel rooms and condominiums at the resort core, Hammock Beach also provides and proposes (through the New Lodge) over 370 spaces, with optionality to provide more than 500 parking spaces, for members and guests that enjoy Hammock Beach and reside in offsite properties (e.g. outside of the resort core). Considering that the One Bedroom condominiums, which are the staple of Hammock Beach's lodging, are luxury hotel rooms, they each have fifty percent more parking supplied than typical hotel rooms. Since their use is hospitality, there are 63 spaces associated with these condominiums that rarely experience demand and represent an additional surplus of existing parking spaces, bringing the existing surplus to 132 spaces.

9. As provided in the FCLDC, minor deviations are permitted (Sec. 3.04.02.G., FCLDC); comment under "Site development Plan" heading (page 11 of Tab 5) may reference this section of the FCLDC for record purposes.

Acknowledged and incorporated into the Basis of Design and Development Criteria section of the Site Development Plan set, Sheet C-3.

10. The applicant's intent for flexibility -- as provided under the "Effectiveness and Flexibility" heading (page 12 of Tab 5) is appropriate to seek; however, this language should likewise be transferred to the site development plan itself (or as a modification of the Plat Addendum or as a PUD development Agreement; see Comment 5 above) as appropriate. Assurances made by the applicant in the narrative do not continue on in a binding fashion in the same manner as the site development plan, an amendment to the plat addendum, or a PUD development agreement would through the Board's respective action on each and subsequent recordation in the public records of the County.

In association with the subject discussed in comment no. 5, as agreed to with the TRC, the above information has been incorporated into the Hammock Dunes PUD – New Lodge & Expanded Conference Facilities Site Development Plan set as Sheet C-3 – "Basis of Design and Development Criteria".

11. Sheet C4 of the site plan set (completed by FEG) and bearing a date of 8-27-2014 should, as part of its analysis of parking, include a pre- and post-development calculation for the impacted area, acknowledging the parking previously located next to the lodge/clubhouse building and those spaces located in the vicinity of the expansion of the Atlantic Conference/Ballroom Expansion Area.

The Site Development Plan has been revised to include the requisite information. Please note that Sheet C-4 from the previous submittal has been renumbered and is now Sheet C-5 due to the addition of the "Basis of Design and Development Criteria" as Sheet C-3. The parking summary on Sheet C-5 has been revised to include the number of current parking spaces removed through demolition, the number of new parking spaces added as part of the site improvements, and it references the current surplus parking available within the resort limits which can serve to meet higher parking demands. The Atlantic Conference/Ballroom Building Expansion is not anticipated to have impact to the existing parking in the vicinity of the Expanded Buildings.

12. Development seaward of the CCCL -- the addition of hardscape walks and cart paths -- shall require the consent of FDEP to the extent applicable.

Acknowledged.

13. The site plan set submittal should include a landscape plan (Sec. 3.04.03.B.2.(i)4., FCLDC).

Please find attached revised Site Development Plan that includes and illustrates the location and character of the proposed screening, buffering, and landscaped areas.

Comments are not exclusive and additional submittals may generate additional review comments.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Reviewed by Adam Mengel

Development Engineering comments provided under Planning comments as consolidated comments for purposes of this review stage.

REVIEWING DEPARTMENT: FIRE INSPECTOR

No comments at this time.

REVIEWING DEPARTMENT: E-911 STAFF

Address previously issued for the Lodge at Hammock Beach is 105 16th Rd E.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

Proposed public swimming pool(s) will require construction permitting and review from the Flagler County Building Department. Please contact Mark Boice at (386) 313-4027 for more information concerning construction permit requirements for public swimming pools. Proposed public swimming pool(s) will also require an annual operating permit from Florida Department of Health in Flagler County prior to opening. Please contact Benjamin Juengst at (386) 437-8262 for more information concerning operating permit requirements for public swimming pools.

Acknowledged.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

Comments pending at this time.